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PTO/SB/21 (09-04)

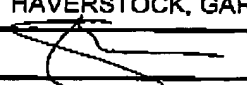
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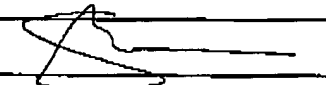
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/621,835	
	Filing Date	7/16/03	
	First Named Inventor	Robert A. Matousek	
	Art Unit	Pat. Tech Center 3600 & Group Art Unit 3651	
	Examiner Name	Kenneth J. Domer & James R. Bidwell	
Total Number of Pages in This Submission	19	Attorney Docket Number	17325

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Exhibits E & F
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Renewed Petition To Withdraw Holding Of Abandonment Under 37 C.F.R. 1.181(a) And To Accept Office Action Response Of October 20, 2004 As Timely Filed	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	HAVERSTOCK, GARRETT & ROBERTS LLP		
Signature			
Printed name	Stephen R. Matthews		
Date	MARCH 15, 2006	Reg. No.	34,384

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Stephen R. Matthews
Date	MARCH 15, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CENTRAL FAX CENTER****MAR 15 2006****17325
Patents****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Application of****Robert A. Matousek, et al.****Serial No.: 10/621,835****Filed: July 16, 2003****For: GRAIN HARVESTER MULTI-
ANGULAR INCLINED DELIVERY
CONVEYOR AND DRIVE**

:
:
: **Special Programs Examiner:**
: **Kenneth J. Dorner**
: **Patent Technology Center 3600**
:
:
:
: **Original Examiner:**
: **James R. Bidwell**
: **Group Art Unit 3651**

**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

CERTIFICATE OF FACSIMILE TRANSMISSION

*I hereby certify that this **RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. 1.181(a) AND TO ACCEPT OFFICE ACTION RESPONSE OF OCTOBER 20, 2004 AS TIMELY FILED** (along with any paper referred to as being attached or enclosed) is being faxed to the United States Patent and Trademark Office via Fax No. (571) 273-8300 on March 15, 2006.*


Stephen R. Matthews
Reg. No. 34,384
611 Olive Street, Suite 1610
St. Louis, Missouri 63101
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**RENEWED PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 C.F.R. 1.181(a) AND TO ACCEPT
OFFICE ACTION RESPONSE OF OCTOBER 20, 2004 AS TIMELY FILED****S I R:**

In response to the Decision On Petition To Withdraw The Holding Of Abandonment mailed January 18, 2006, which dismissed Applicants' Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on March 7, 2005, Applicants herein renew their petition to withdraw the holding of abandonment and accept the enclosed copy of Applicants' Amendment and Certificate of Mailing, as timely filed in satisfaction of 37 CFR 1.111.

Statement of Facts

In its January 18, 2006 Decision On Petition To Withdraw The Holding Of Abandonment, the United States Patent and Trademark Office ("USPTO") indicated that Applicants' original Petition is dismissed on the basis that the Petition failed to include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original response by Certificate of Mailing on the date indicated on the certificate, by the person who signed the certificate, Stephen R. Matthews.

The Decision also notes that the Application Number on the submitted Amendment and postcard receipt is 10/621,815 instead of 10/621,835, and that the receipt date of October 26, 2004 on the postcard receipt is beyond the date the response was due.

Grounds for Renewed Petition

As support for their Renewed Petition To Withdraw The Holding Of Abandonment, Applicants submit herewith the following documents:

1. copy of the Amendment and Certificate of Mailing previously mailed to the United States Patent and Trademark Office ("USPTO") on October 20, 2004 (marked as "EXHIBIT E"); and
2. Statement by Stephen R. Matthews Under 37 CFR 1.8 (b)(3) Attesting to The Personal Knowledge of Mailing Amendment and Certificate of Mailing ("EXHIBIT F").

Applicants also incorporate herein by reference, and renew, all aspects of their original Petition To Withdraw The Holding Of Abandonment, filed in the USPTO on March 7, 2005, including all Exhibits included therewith, and including the reservation of the right to file a Petition under 37 CFR 1.137, for revival of abandonment due to unavoidable or unintentional delay.

Addressing Applicants' subject Amendment EXHIBIT E, although that Amendment, on page one, misidentifies the application number by one digit, it is respectfully noted that it correctly identifies:

1. the first named inventor;
2. the filing date of the application;
3. the title of the application;
4. the date of the Office Action;
5. the examiner; and
6. the group art unit,

so as to, upon inspection, be clearly identifiable as directed to the subject Matousek et al.

Application Number 10/621,835.

The Amendment EXHIBIT E, under the heading "IN THE CLAIMS", further includes a listing of the 12 claims pending in the subject Application Number 10/621,835. And, under the heading "REMARKS", the Amendment EXHIBIT E identifies and discusses the references cited against the claims of Application Number 10/621,835, and presents arguments with respect to each of the grounds for rejection of the claims of that application.

Accordingly, it is respectfully asserted that as a result of the vast majority of the information contained on the first page of the Amendment EXHIBIT E correctly identifying Matousek et al. Application Number 10/621,835, and the substance of the claims and remarks contained in the Amendment being directed to the Matousek et al. application, the subject Amendment EXHIBIT E is adequately identifiable as a response under 37 CFR 1.111 to the non-final Office Action of July 20, 2004, or at least as a *bona fide* attempt to advance the Matousek et al. Application Number 10/621,835 to final action, and is at least substantially a complete reply to the non-final Office Action dated July 20, 2004 under 37 CFR. 1.135(c), so as to be entitled to entry in the record of that application.

Addressing the self-addressed postcard, which accompanied the Amendment EXHIBIT E, and which was previously submitted with the original Petition as EXHIBIT C, although it too misidentifies the Application Number by one digit, it is respectfully noted that it correctly

identifies the first named inventor, and the title of the subject application. Further, it is noted that the postcard EXHIBIT C was postmarked by the USPTO, even though on the wrong date, and returned to Applicants at the address thereon, thereby providing *actual* evidence of receipt of the original postcard, the original Amendment, and the Certificate of Mailing, by the USPTO, as acknowledged in the USPTO's Decision.

Addressing the date of mailing of the Amendment and Certificate of Mailing, the Statement of Stephen R. Matthews, EXHIBIT F, indicates that the subject Amendment, Certificate of Mailing, and postcard were deposited with the U.S. Postal Service on October 20, 2004, in an envelope with sufficient postage as first class mail addressed to the correct Mail Stop Amendment, Commissioner for Patents address. This is supported by the Certificate of Mailing, and is further evidenced by the actual receipt of the same by the USPTO as acknowledged in the Decision.

Based on the foregoing, Applicants respectfully assert that, under 37 CFR 1.8, the original subject Amendment, represented by EXHIBIT E, is entitled to be considered by the USPTO as timely filed on October 20, 2004. Further, Applicants respectfully assert that, under 37 CFR 1.111 and 1.135(c), the originally submitted subject Amendment, represented by EXHIBIT E, contains sufficient identifying information and content so as to be entitled to be considered as a reply, or at least a *bona fide* attempt to advance the subject application number 10/621,835 to final action, and is at least substantially a complete reply to the non-final Office Action dated July 20, 2004, entitling that Amendment to entry in the matter of application number 10/621,835.

Petition Request

Therefore, Applicants hereby renew their petition to the USPTO to:

1. Withdraw the holding of abandonment; and
2. Accept the enclosed copy of Applicant's USPTO date stamped Return Receipt Postcard, Amendment, and Certificate of Mailing as timely filed in satisfaction of 37 CFR 1.111,

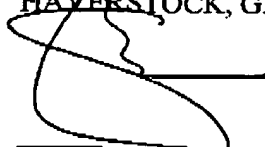
in the matter of the subject Matousek et al. Application Number 10/621,835.

Applicants respectfully again submit that, in light of the foregoing evidence that the subject Amendment, Certificate of Mailing and Postcard were previously timely filed, no petition fee is required per 37 CFR 1.181(a). However, the USPTO is hereby authorized to charge any fee required to secure entry of this Petition, or credit any overpayment, to our Deposit Account 08-1280.

If the Examiner has any questions or comments regarding the present Petition or the documents enclosed herewith, Applicants' undersigned attorney can be reached at the telephone number below.

Respectfully submitted,

HAVERSTOCK, GARRETT & ROBERTS LLP



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March 15, 2006
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